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AN ACT

RELATING TO PUBLIC ASSISTANCE; REQUIRING THE HUMAN SERVICES DEPARTMENT TO PROVIDE PRE-RELEASE MEDICAID ELIGIBILITY ASSESSMENTS AND APPLICATIONS TO INCARCERATED INDIVIDUALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. PRE-RELEASE MEDICAID ELIGIBILITY

ASSESSMENT--POST-RELEASE ENROLLMENT.--

A. The human services department, the corrections department, the children, youth and families department and administrators of any and all facilities that confine incarcerated individuals shall coordinate to:

(1) ensure that any incarcerated individual who wishes to receive an assessment of the individual's post-release medicaid eligibility receives an assessment before the incarcerated individual is released from custody. This process shall be initiated immediately when the release date becomes known, or if the period of incarceration is known to be sixty days or less, then immediately upon incarceration;

(2) determine whether the incarcerated individual receiving an assessment pursuant to this section is enrolled in medicaid and, if so, assist that individual in notifying the human services department to ensure that the individual receives correspondence from the department while

1 incarcerated;

2 (3) ensure that every incarcerated
3 individual is informed of the individual's right to apply for
4 medicaid and, upon the individual's request, is provided an
5 application for medicaid;

6 (4) provide assistance throughout the
7 application process for medicaid for incarcerated individuals
8 who request assistance and assist individuals who were
9 participants in medicaid with assistance in completing any
10 periodic verification of their eligibility for those
11 programs. This assistance shall include the distribution of
12 application forms and assistance with securing medical and
13 other information required to support applications and
14 assistance with completing and submitting medicaid
15 applications; and

16 (5) ensure that incarcerated individuals who
17 are eligible for medicaid are able to access medicaid
18 benefits immediately upon release from a corrections
19 institution.

20 B. The provisions of Subsection A of this section
21 shall not apply if the period of incarceration is for less
22 than thirty days.

23 C. The human services department shall suspend,
24 and shall not terminate, the enrollment of an incarcerated
25 individual until a year from the date of the individual's

1 entry into incarceration.

2 D. Nothing in this section shall be construed to
3 alter the time limits for processing medicaid applications
4 pursuant to existing federal and state law.

5 E. As used in this section:

6 (1) "incarcerated individual" means an
7 individual; the legal guardian or conservator of an
8 individual; or, for an individual who is an unemancipated
9 minor, the parent of the individual, who is confined in:

10 (a) a state correctional facility;

11 (b) a privately operated correctional
12 facility;

13 (c) a county jail;

14 (d) a municipal jail;

15 (e) a privately operated jail;

16 (f) a detention facility that is
17 operated under the authority of the children, youth and
18 families department and that holds the individual pending
19 court hearing; or

20 (g) a facility that is operated under
21 the authority of the children, youth and families department
22 and that provides for the care and rehabilitation of an
23 individual who is under eighteen years of age and who has
24 committed an act that would be designated as a crime under
25 the law if committed by an individual who is eighteen years

1 of age or older;

2 (2) "medicaid" means the joint federal-state
3 health coverage program pursuant to Title 19 or Title 21 of
4 the federal Social Security Act and rules promulgated
5 pursuant to the Social Security Act; and

6 (3) "unemancipated minor" means an
7 individual who is under eighteen years of age and who:

8 (a) is not on active duty in the armed
9 forces; and

10 (b) has not been declared by court
11 order to be emancipated.

12 SECTION 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is January 1, 2014. _____

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